

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2767 of 2026

Arising Out of PS. Case No.-290 Year-2025 Thana- KHIJARSARAI District- Gaya

Awadh Bihari @ Falgu @ Awadh Bihari Singh S/O Indradev Singh R/O
Village- Maksudpur, Police Station- Khizersarai, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Adv.

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 24-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Khizersarai P.S. Case No. 290 of 2025 dated 27.07.2025 registered for the offences punishable under Sections 303(2), 317(2), 317(5), 319(2), 318(4) and 3(5) of the B.N.S.

3. As per the prosecution case, the informant has alleged that her ATM card was swapped and two miscreants had withdrawn certain amount. It is further alleged that with the help of the CCTV footage, two persons were identified, one Awadh Bihari @ Falgu (petitioner) and the other being the co-accused,



Rahul Kumar. It is further alleged that the police did not recover anything from the house of the petitioner while Rs. 40,000/- was recovered from the house of the co-accused, Rahul Kumar.

4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated and he has not done any swapping as alleged in the F.I.R. It has further been submitted that admittedly the amount has been recovered from the house of the co-accused, Rahul Kumar and therefore, the petitioner can not be saddled with the responsibility of any illegal activity. It has further been submitted that the police could not even say after looking at the CCTV footage whether it was the petitioner who had withdrawn the amount from the ATM after swapping the ATM card. It has lastly been submitted that the petitioner has one criminal antecedent of similar nature and he is on bail in the said case.

5. The learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid submissions made by the parties and taking into account the facts and circumstances of the case, the petitioner, above named, is directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on



furnishing bail-bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Khizersarai P.S. Case No. 290 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) The trial court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedents, the trial court shall take necessary steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above mentioned order shall not be delayed for purpose of or in



the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

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